

REMARKS

I. Status of the Claims

The Applicants thank the Examiner for the examination to date and the willingness to provide an interview after the present Amendment filing.

Claims 1-7 and 23-26 are pending. The only independent claim is claim 1.

The Applicants respond to the sequence listing issues raised by the Examiner. A computer readable form (CRF) copy of the “Sequence Listing”, as well as an amendment specifically directing its entry into the application is provided. Additionally, a statement is provided that the content of the paper and computer readable copies are the same and include no new matter.

II. The Sole Independent Claim 1 is Novel and Sufficiently Supported by the Specification

The only independent claim is claim 1, and claim 1 has been rejected for lack of written description and lack of novelty over both CA 2312109 (“Dubois”) and over WO 00/40227 (“Noble”). The Applicants respectfully traverse each rejection, particularly in view of the present Amendment.

First, claim 1 is novel over Dubois.

Claim 1 requires “reducing scar formation during the healing of at least one wound” in a subject. The subject can be one of two types: one who has incurred injuries, and one who will be inflicted with a surgical wound. Dubois does not teach this.

Dubois merely teaches in the context of disease treatment an “abnormal wound healing.” That concept is too broad and different to meet the claim limitation and justify anticipation, particularly in the larger context surrounding this phrase, which is a listing of

diseases, not injury or surgical wound. Disclosure of diseases does not anticipate claiming wounds of the injury and surgical types.

The Examiner appears to rely on inherency doctrine, but the Examiner, with all due respect, has not provided the cogent technical argument needed to show a *prima facie* case of anticipation. Abnormal wound healing would not necessarily result in reducing scar formation during the healing of a wound. A different patient set is involved: diseased patients versus wounded patients (whether wounded by injury or surgery). Moreover, the nexus between the furin inhibitor and latent TGF- β activation is not present, further justifying the lack of anticipation.

In sum, no anticipation is present, and this rejection should be withdrawn.

Second, claim 1 is also novel over Noble. Noble does not teach use of furin inhibitors, and more particularly furin inhibitors which inhibit latent TGF- β activation. Serine proteases in Noble do not meet the claim, and Noble actually leads away from the claim.

Again, no anticipation is present, and this rejection should be withdrawn.

Finally, the disclosure is sufficient so that no 35 USC § 112 written description rejection is warranted (also, no non-enablement rejection is warranted). With all due respect, the Examiner has simply failed to consider the full teachings of the disclosure including paragraphs 38-58 in the published specification, and what is known by those skilled in the art. “Furin inhibitors” are known in the art as reflected in the technical, academic, and patent literature (e.g., see prior submissions by Applicants and routine searching of patent literature for “furin inhibitor(s)”. The Applicants provide working examples on how to examine these furin inhibitors, and they make clear that the invention is broader than the specific working embodiments. The specification need not describe what is well-known in the art. Hence, this rejection should be withdrawn.

III. Other Claims are Also Patentable

The dependent claims rejected as anticipated by Dubois and/or Noble are also novel for reasons presented above.

In addition, the dependent claims 4 and 5 are rejected as obvious over the combined teachings of Dubois, the definition for “topical,” and Pearton. The applicants respectfully traverse as even if these references are combined for sake of argument, the claimed inventions are not arrived at. The deficiencies of Dubois are stated above, and the secondary references do not overcome these deficiencies.

Finally, claim 1 is provisionally rejected on the ground of nonstatutory obviousness type-double patenting as being unpatentable over claim 1 of copending Application No. 11/153897 in view of Noble. The applicants respectfully traverse. The claimed invention is not arrived at even if the teachings at issue are combined for sake of argument. The Examiner’s position is premised on a belief that Noble anticipates, but the shortcomings of Noble are noted above and Noble does not anticipate. Noble actually leads one away so obviousness cannot be found on Noble. Hence, no obviousness type double patenting is present.

CONCLUSIONS

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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